

Claims 27-38 stand rejected under 35 U.S.C. §112, second paragraph, on the basis the total percent weight of the composition is above 100% under certain claimed formulations. Responsive thereto claim 27 has been amended to recite about 20 to about 99.8 percent by weight polyalkylene glycol, which maintains the total percent weight of the composition at 100%. Similarly, claim 33 has been amended to recite about 0.1 to about 40 percent by weight cationic-, hydroxyalkyl-, carboxyalkyl-, or carboxyalkylhydroxyalkyl-derivatized guar gum, which maintains the total percent weight of the composition at 100%. Applicant accordingly respectfully submits claims 27-38 are no longer indefinite and therefore respectfully requests the withdrawal of the 35 U.S.C. §112, second paragraph, rejection.

Claims 1, 2, 4-12, 14-40, 42-48, 76, 77, 79-87, and 89-95 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 16, 20, 27-30, 43, 47, 54, 55, 57-59, 72, and 76 of copending Application No. 09/905,358. The Examiner admits claims 1, 2, 4-12, 14-40, 42-48, 76, 77, 79-87, and 89-95 are not identical subject matter to claims 1-3, 16, 20, 27-30, 43, 47, 54, 55, 57-59, 72, and 76 of copending Application No. 09/905,358. The Examiner however asserts claims 1, 2, 4-12, 14-40, 42-48, 76, 77, 79-87, and 89-95 would have been obvious to one of ordinary skill in the art at the time the invention was made in view of claims 1-3, 16, 20, 27-30, 43, 47, 54, 55, 57-59, 72, and 76 of copending Application No. 09/905,358. As the outstanding rejection is based upon the judicially created doctrine of obviousness-type double patenting, Applicant submits herewith a Terminal Disclaimer and \$55.00 statutory fee due under 37 C.F.R. §1.20(d) to overcome the outstanding rejection. In view of the submission of the Terminal Disclaimer, Applicant respectfully submits the rejection of claims 1, 2, 4-12, 14-40, 42-48, 76, 77, 79-87, and 89-95 has been overcome and thus requests the withdrawal of the provisional rejection of claims 1, 2, 4-12, 14-40, 42-48, 76, 77, 79-87, and 89-95 under the judicially created doctrine of obviousness-type double patenting over claims 1-3, 16, 20, 27-30, 43, 47, 54, 55, 57-59, 72, and 76 of copending Application No. 09/905,358.

Claims 3, 13, 41, 78, and 88 have been objected to as being dependent upon a rejected base claims.

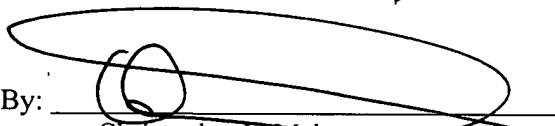
The prior art made of record has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and earnestly solicits early allowance of the application.

Respectfully submitted,

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DATE: 29 April 2003

By: 

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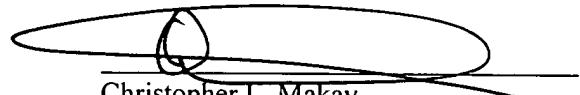
ATTORNEY FOR APPLICANT

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Christopher L. Makay

AMENDED CLAIMS MARKED TO ILLUSTRATE REVISIONS

27. (twice amended) A non-aqueous suspension, comprising:
- (a) about 0.1 to about 75 percent by weight guar gum;
  - (b) about [55] 20 to about 99.8 percent by weight polyalkylene glycol; and
  - (c) about 0.1 to about 5 percent by weight hydrogenated castor wax.
33. (twice amended) A non-aqueous suspension, comprising:
- (a) about 0.1 to about [50] 40 percent by weight cationic-, hydroxyalkyl-, carboxyalkyl-, or carboxyalkylhydroxyalkyl-derivatized guar gum;
  - (b) about 55 to about 99.8 percent by weight polyalkylene glycol; and
  - (c) about 0.1 to about 5 percent by weight hydrogenated castor wax.

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